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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,377	04/21/2005	Edward Zheng	100697.0016US	4273
34284	7590	08/03/2007		
Rutan & Tucker, LLP. Hani Z. Sayed 611 ANTON BLVD SUITE 1400 COSTA MESA, CA 92626			EXAMINER LIU, JONATHAN	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 08/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,377	Applicant(s) ZHENG, EDWARD	
	Examiner Jonathan J. Liu	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-14 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-14 is/are allowed.
- 6) ☒ Claim(s) 1-3,6-10 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/11/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to remarks filed 5/15/2006

Response to Arguments

1. Applicant's arguments filed 5/15/2007 have been fully considered but they are not persuasive.

With regards to applicant's argument wherein the "...hammock stand collapses in a single movement in which two of the four legs approximate each other in a front-to-back and side-to-side motion as two of the support rods pivot towards each other..." – the invention to Wu is clearly capable of such functional limitation, i.e. the legs may be unhooked (thereby, two of the legs approximate each other in a front-to-back motion) **while** the hammock stand is folded inwardly as shown in figure 4 (thereby two of the legs approximate each other in a side-to-side motion) as two of the support rods pivot towards each other. Furthermore, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In regards to applicant's arguments that Wu's cross brace is intended to stop movement of the parts relative to each other, and therefore teaches against the claimed invention – when the cross braces are in the position of figure 3 – **"upon folding"** - they do not stop movement but rather follow the movement of members 2, 3 respectively (see figures 4-5), and therefore meet the amended limitation of "synchronize a movement..." [see below rejection].

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Wu (US 6,467,109). Wu discloses a hammock stand comprising four legs (4), four support rods (2, 3) to which a hammock is coupled, and a pair of cross braces (5), wherein the legs, the support rods, and the cross braces are coupled to each other such that the cross braces upon folding of the hammock stand synchronize a movement in which two of the four legs approximate each other in a front-to-back and side-to-side motion (see figures 3-5) as two of the support rods pivot towards each other, and wherein the second of the four legs is coupled to the first of the support rods via a connector rod (1), wherein the pair of cross braces are rotatably coupled to each other (through members 1-3), and wherein at least one of the cross braces is rotatably coupled to the first of the four legs (through members 1 and 2), and rotatably coupled to a third of the support rods (see examiner's attachment).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US 6,467,109) in view of Bien (US 3,464,069). Wu teaches a hammock stand comprising four legs (4), four support rods (2, 3) to which a hammock is coupled, and a pair of cross braces (5), wherein the legs, the support rods, and the cross braces are coupled to each other such that the cross braces upon folding of the hammock stand synchronize a movement in which two of the four legs approximate each other in a front-to-back and side-to-side motion (see figures 3-5) as two of the support rods pivot towards each other, and wherein the second of the four legs is coupled to the first of the support rods via a connector rod (1) that forms an obtuse angle with the second of the four legs when the hammock stand is in an open configuration (see examiner's attachment). However, Wu does not teach wherein the connector rod releasably engages the first of the support rods. Bien teaches that rivets and screws are equivalent fastening means (col. 3, lines 31-33). Wu and Bien are analogous because they are from the same field of endeavor, i.e. collapsible supports. It would have been obvious to make the rivets (12) of Wu to be screws – thereby making the connector rod (Wu: 1) releasably engagable with the first support rod (Wu: 3). The motivation would have been to provide a means to replace specific rods (i.e. members 1-4) of Wu without having to replace the whole stand (due to the releasable connection of the screws at member 11 of Wu). Therefore, it would have been obvious to modify the invention to Wu as specified in claim 1.

With regards to claim 2, a first and second of the four legs are rotatably coupled to each other (through member 1 of Wu).

Regarding claim 3, a first support rod is rotatably coupled to the first of the four legs (through member 1 of Wu) and wherein a second of the support rods is rotatably coupled to the second of the four legs (through member 1 of Wu; see examiner's attachment).

With regards to claim 6, the cross braces in the pair of cross braces are rotatably coupled to each other (through members 1-4 of Wu), and wherein at least one of the cross braces is rotatably coupled to the first of the four legs (through members 1 and 3 of Wu) and rotatably coupled to a third of the support rods (Wu: 3).

In regards to claim 7, the hammock is coupled to at least two of the four support rods via a hook (Wu: 60).

Regarding claim 8, Wu as modified, teaches a flexible element (Wu: 8) that couples the first of the four legs with a third of the four legs and that facilitates collapsing of the hammock stand when the flexible element is pulled upwards relative to the ground and when the hammock stand is in an open configuration.

With regards to claim 9, it would have been obvious to make the net of Wu a sheet of fabric (as shown by member 36 of Bien) as an alternative expedient for support.

In regards to claim 10, the sheet of fabric inherently comprises a handle (anywhere where one can grab said sheet).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

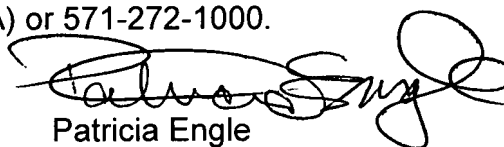
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan J. Liu whose telephone number is (571) 272-8227. The examiner can normally be reached on Monday through Friday, 8 am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Patricia Engle
Supervisory Patent Examiner
Art Unit 3673

Jonathan Liu
Patent Examiner
Art Unit 3673

Attachment:

Figure 1 of Wu (US 6,467,109)

EXAMINER'S
ATTACHMENT

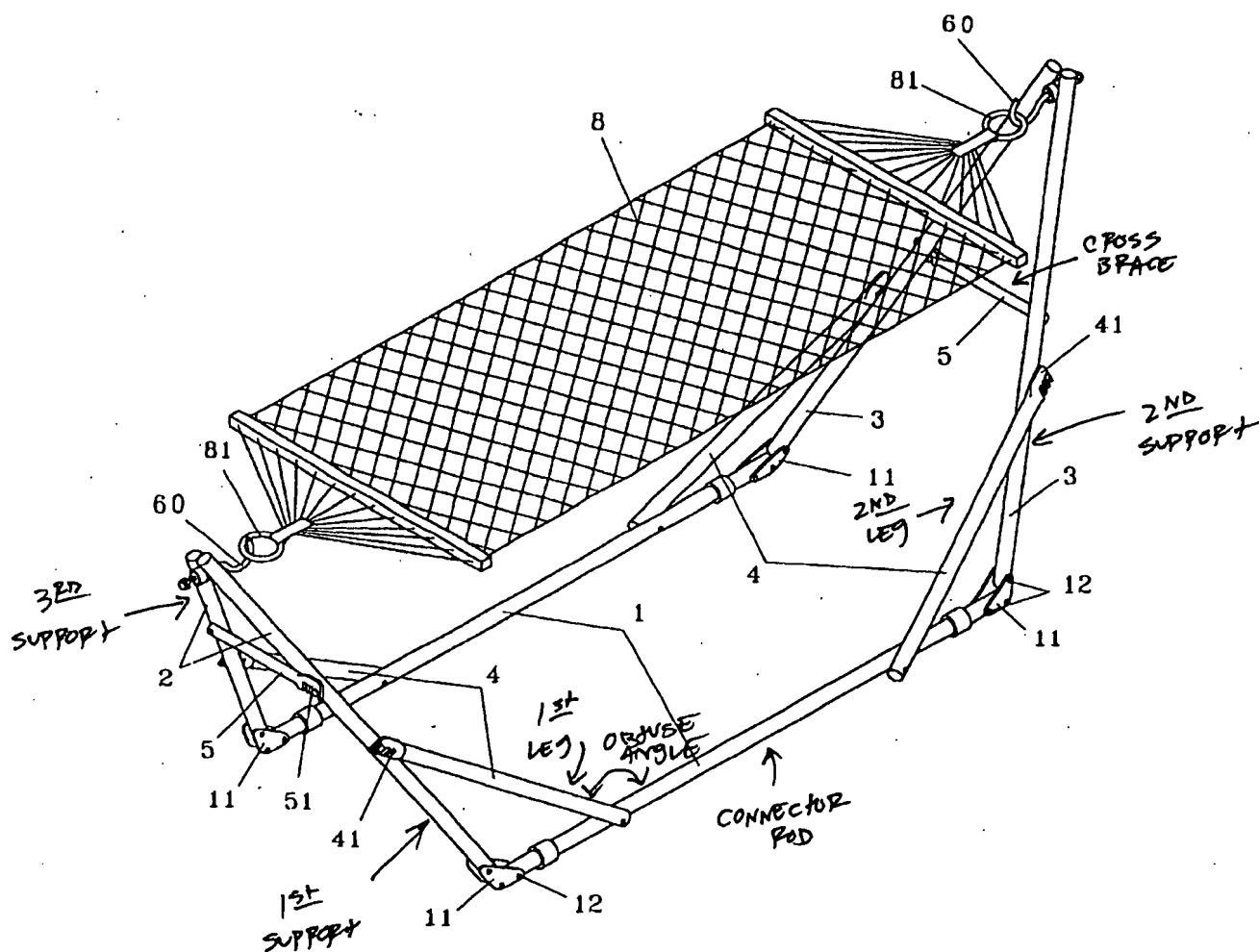


FIG. 1